

Virginia Department of Mines, Minerals and Energy  
Board of Surface Mining Review

Minutes of August 9, 2006 Hearing

The Board of Surface Mining Review ("Board") met at 9:00 a.m., August 9, 2006, to consider an appeal by CRW, Inc. (Permit Number 90325AA) of the revocation of its mining permit issued by the Department of Mines, Minerals and Energy's Division of Mineral Mining. The Board conducted an administrative hearing in the large conference room at the Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Va. 23462.

Three Board members were present to conduct the administrative hearing: James O. Crook, Chairman, Joyce K. Lewis, and Tom T. Makin.

Lucy Wade and Arthur Rutter appeared on behalf of CRW, Inc. David Benner and Phil Skorupa of the Division of Mineral Mining and D. Nelson Daniel, Assistant Attorney General and counsel to the Division of Mineral Mining, appeared on behalf of the DMME. Phil Mellon, representing the City of Virginia Beach Planning and Zoning Office, also attended the administrative hearing.

Chairman Crook opened the hearing by inviting Mr. Rutter to speak. Mr. Rutter described an agreement between the Division of Mineral Mining and CRW, Inc. in which the Division would not seek forfeiture of CRW's bond or initiate reclamation activities until after March 31, 2007 if CRW would withdraw its appeal. Board members questioned Mr. Rutter about CRW Inc.'s ability to reclaim the mine site by March 31, 2007, CRW's commitment to meet the deadline, and reclamation requirements to satisfy the Division of Mineral Mining and City of Virginia Beach.

Chairman Crook then gave Mr. Daniel an opportunity to respond on behalf of the Division of Mineral Mining. Mr. Daniel explained that CRW, Inc. has operated, and is in the process of reclaiming, an open-pit sand mine under Department of Mines, Minerals and Energy PN 90325AA. CRW, Inc's sand mine is located in Virginia Beach, Va., approximately 5 miles south of Interstate 264 on Indian River Road. Mr. Daniel reviewed the facts that caused the Director of the Division of Mineral Mining to revoke CRW, Inc.'s permit. In response to questioning by Mr. Daniel, Mr. Skorupa testified that during an inspection of the mine site on February 8, 2006, he observed an encroachment on the adjoining property owned by DOK West & Charles Kaufman. Mr. Skorupa described the encroachment as the mining and the removal of the 25 foot buffer of land between the mine site and the DOK West & Charles Kaufman property. On February 8, 2006, Mr. Skorupa issued special order V71564, ordering compliance (repair slope, restore 25-foot buffer) by April 7, 2006. After CRW, Inc failed to meet the specified deadline, Mr. Skorupa testified that he issued Notice of Non-Compliance V71605. The Special Order and Notice of Non-Compliance were issued under the Virginia Reclamation Regulations for Mineral Mining which require restoration and repairs of the damages that resulted from an encroachment by mining and the removal of the 25 foot

buffer of land between a mine site and the adjoining property, when the owner of the adjoining property does not have notice of and has not given written consent for, mining. The due date for compliance with the Notice of Non-Compliance was May 12th, 2006. On June 20, 2006, the Director of the Division of Mineral Mining revoked for failure to comply with the Notice of Non-compliance.

At the conclusion of Mr. Daniel's remarks, Mr. Rutter, on behalf of CRW, Inc., withdrew the appeal of the revocation of CRW's permit; the Board affirmed the permit revocation; and the Board accepted an agreement that the Division of Mineral Mining will hold the bond forfeiture in abeyance until March 31, 2007 so that CRW can fully reclaim the mine site under the supervision of the agency. A written order will be prepared. The hearing was recorded.

There being no further business, the hearing was adjourned at 10:00 a.m.

Minutes by: Conrad T. Spangler, III  
Secretary to the Board